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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/13/2004

Conrad C. Dumbrique

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5188

7590

05/25/2007

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EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

05/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,808	Applicant(s) DUMBRIQUE, CONRAD C.	
	Examiner Tiffany L. Webb	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-50 is/are pending in the application.
- 4a) Of the above claim(s) 35-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-35 and 40-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |


DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because, as described above,  language that can be implied should be avoided. In line 5 of the abstract, "The application also provides," is used and should be changed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 3-11, 13-34, and 40-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not clearly describe what is meant by "there is no opening between the substrate surface and the instrument panel when the airbag module is installed onto an interior of the vehicle." The specification does not provide a clear description of how or where the substrate surface and the instrument panel do not have an opening between them. The examiner suggests clarifying the specification or clarifying the claim language. The examiner has taken the meaning to possibly mean that the applicant is trying to get that the substrate surface is an invisible airbag door and therefore no visible seam from the position of the occupant of the vehicle. In light of the examiner's assessment, a rejection based on the evaluation follows.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 3-4, 7-8, 9-10, 16-22, 24-25, 27-30, 32-33, 40-44, 47-48 and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokota (US 6,406,056).

Regarding claims 1, 16, 22, 27, and 30, Yokota discloses an inflatable airbag module

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(see Figure 1) for protecting a vehicle occupant comprising: an airbag module cover (20) including a substrate surface (26), an instrument panel adapter (30), and an airbag housing interlock (32, 34), the airbag module cover being adapted to be integrated with an instrument panel substrate to provide a surface suitable for receiving a decorative overlay (see Figures 1 and 8); an airbag module housing having an airbag case portion (see Figure 3) and an airbag module cover interlock portion (34), the module housing being adapted to be coupled to the airbag module cover; and an airbag cushion configured to deploy from the airbag module housing (see Figure 9) wherein there is no opening between the substrate surface and the instrument panel when the airbag module is installed onto an interior of the vehicle (see Figure 1), wherein the substrate surface is configured to receive a skin-and-foam overlay (22 and 24). Regarding claims 3, 20, and 29, Yokota discloses the instrument panel adapter comprises a radial flange (at 28) extending from the substrate surface of the airbag module cover (see Figure 1). Regarding claims 4 and 21, Yokota discloses the instrument panel adapter comprises a face of the module cover configured to attach to an instrument panel (see Figure 1). Regarding claims 7, 24 and 32, Yokota discloses having a tear seam (38, 36). Regarding claims 8, 25, and 33, Yokota discloses the tear seam is molding, stamped or punched into the airbag module cover (col. 3, lines 13-24). Regarding claim 10, Yokota discloses the airbag cushion is a passenger-side airbag cushion (see col. 1, lines 5-6). Regarding claim 17, Yokota discloses the airbag module cover adapter of the primary dashboard panel comprises an orifice (see Figures 1, and 8-9) sized to receive the airbag module cover (see Figure 1). Regarding claim 18, Yokota discloses the orifice of

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the airbag module cover adapter of the primary dashboard panel further comprises an adapter channel having a depth sufficient to allow the airbag module cover to nest into the substrate surface of the primary dashboard panel without substantial protrusion (see Figure 1). Regarding claims 19 and 28, Yokota discloses the integration of the primary dashboard panel and the airbag module cover provides a combination substrate surface that is sufficiently even that the application of a decorative overlay results in a substantially even surface with no obvious seams (see Figure 1). Regarding claims 40-44, 47-48, and 50, Yokota meets the limitations set forth by the apparatus claims, and further meet the limitations of the claims to the method of constructing the instrument panel. Yokota discloses having an airbag assembly including a cover and airbag housing and can inherently be assembled using the method claimed by the applicant.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 9, 26, 34, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota in view of Bauer (US 5,744,776). Yokota is discussed above and fails to disclose having a tear seam that is laser scored. Bauer discloses having an apparatus for laser pre-weakening device for airbag deployment covers (abstract). Bauer also discloses the tear seams being created to be an invisible seam (col. 2, lines 24-26). It would have been obvious to one having ordinary skill in the art at the time of the invention to have created the tear seam of Yokota through the laser scoring process of Bauer in order to provide highly accurate and efficient manufacture process.

9. Claims 1, 5-6, 11, 13-14, 16, 22, 23-25, 27, 30-33, 40, 45-48, and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Goestenskors et al. in view of Yokota. Goestenskors et al. discloses an inflatable airbag module (see Figure 2) for protecting a vehicle occupant comprising: an airbag module cover (34) including a substrate surface (32), an instrument panel adapter (62), and an airbag housing interlock (see Figures 5 and 7), the airbag module cover being adapted to be integrated with an instrument panel substrate to provide a surface suitable for receiving a decorative overlay (see Figure 2); an airbag module housing having an airbag case portion (44) and an airbag module cover interlock portion (see Figures 2, 5, and 7), the module housing being adapted to be coupled to the airbag module cover; and an airbag cushion configured to be deployed from the airbag module housing (see Figure 2). However, Goestenskors et al. fails to disclose no opening between the substrate surface and the instrument panel. Yokota is discussed above and discloses having an "invisible" door and seam that has no opening between the substrate and the instrument panel (see Figure 1). It would have been obvious to one having ordinary skill in the art to have made the door (34) of Goestenskors et al. an invisible door in view of Yokota to have a better appearance on the interior of the vehicle.

10. Claims 9, 15, 26, 34, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goestenskors et al. in view of Yokota and further in view of Bauer. Yokota and Goestenskors et al. are discussed above and fail to disclose having a tear seam that is laser scored. Bauer discloses having an apparatus for laser pre-weakening device for airbag deployment covers (abstract). Bauer also discloses the

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tear seams being created to be an invisible seam (col. 2, lines 24-26). It would have been obvious to one having ordinary skill in the art at the time of the invention to have created the tear seam of Goestenkers et al. in view Yokota through the laser scoring process of Bauer in order to provide highly accurate and efficient manufacture process.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 3-11, 13-34, and 40-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are airbag devices: Nagata et al. (US 5,851,023) and Amamori (US 6,394,485).

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Tiffany L Webb
Examiner
Art Unit 3616

 5/22/07
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
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